



Public Notice

Applicant:
Margaret K. Prusak

Date:
Published: January 5, 2005
Expires: February 3, 2005

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-TD-R RE: 2005-00276(0) Section: OH 10 and 404

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Ms. Margaret K. Prusak, 353 Oak Cliff Drive, Bay Village, Ohio 44140, has requested a Department of the Army Permit to construct an armor stone breakwater and a concrete block pad along the shoreline of the applicant's property, located at 353 Oak Cliff Drive, in the City of Bay Village, Cuyahoga County, Ohio.

Department of the Army (DA) authorization is required for the placement of approximately 771 cubic yards of stone fill below the Lake Erie ordinary high water elevation (OHW) of 573.4 feet International Great Lakes Datum 1985 (IGLD85).

Project History: The applicant has recently placed (without DA authorization) approximately 200 cubic yards of rubble fill onto the existing shoreline as an emergency measure to protect the existing home, located just a couple feet from the edge of the bluff. The applicant has recently placed approximately 9 tons of concrete block/stone along the shoreline as an interim measure to contain this unauthorized fill while waiting for DA authorization for the breakwater and concrete pad.

The project consists of the following:

- a. Construction of an armor stone breakwater along the lower bluff face of the shoreline. The breakwater will have a basal length of approximately 150 linear feet and a basal width of between 30 and 70 feet. It will consist of 3-6 ton armor stone placed at a 2H:1V slope (below crest). Above the crest elevation of 583 feet IGLD85, rubble fill will extend upslope (landward) to the intersection with the bluff face (approx. 605 feet IGLD85). Approximately 742 cubic yards of stone/rubble fill will be placed below OHW for this breakwater.
- b. A 13' x 13' concrete block pad will also be constructed along the north west side of the breakwater. Approximately 29 cubic yards of stone will be discharged into Lake Erie for this pad.

The applicant's stated purpose for this project is to protect and stabilize the existing bluff face. The concrete block pad is for dockage of personal watercraft and access to Lake Erie.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Martin P. Wargo, who can be contacted by calling (716) 879-4116, or by e-mail at: martin.p.wargo@usace.army.mil

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Ms. Mindy Bankey
Ohio Department of Natural Resources
Consistency Coordinator
Office of Legislative Services
1930 Belcher Drive, Bldg D-3
Columbus, Ohio 43224-1387
Telephone (614) 265-6836
FAX (614) 261-9601
e-mail: mindy.bankey@dnr.state.oh.us

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 3 of 4. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Martin P. Wargo, or by e-mail at: martin.p.wargo@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor

disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

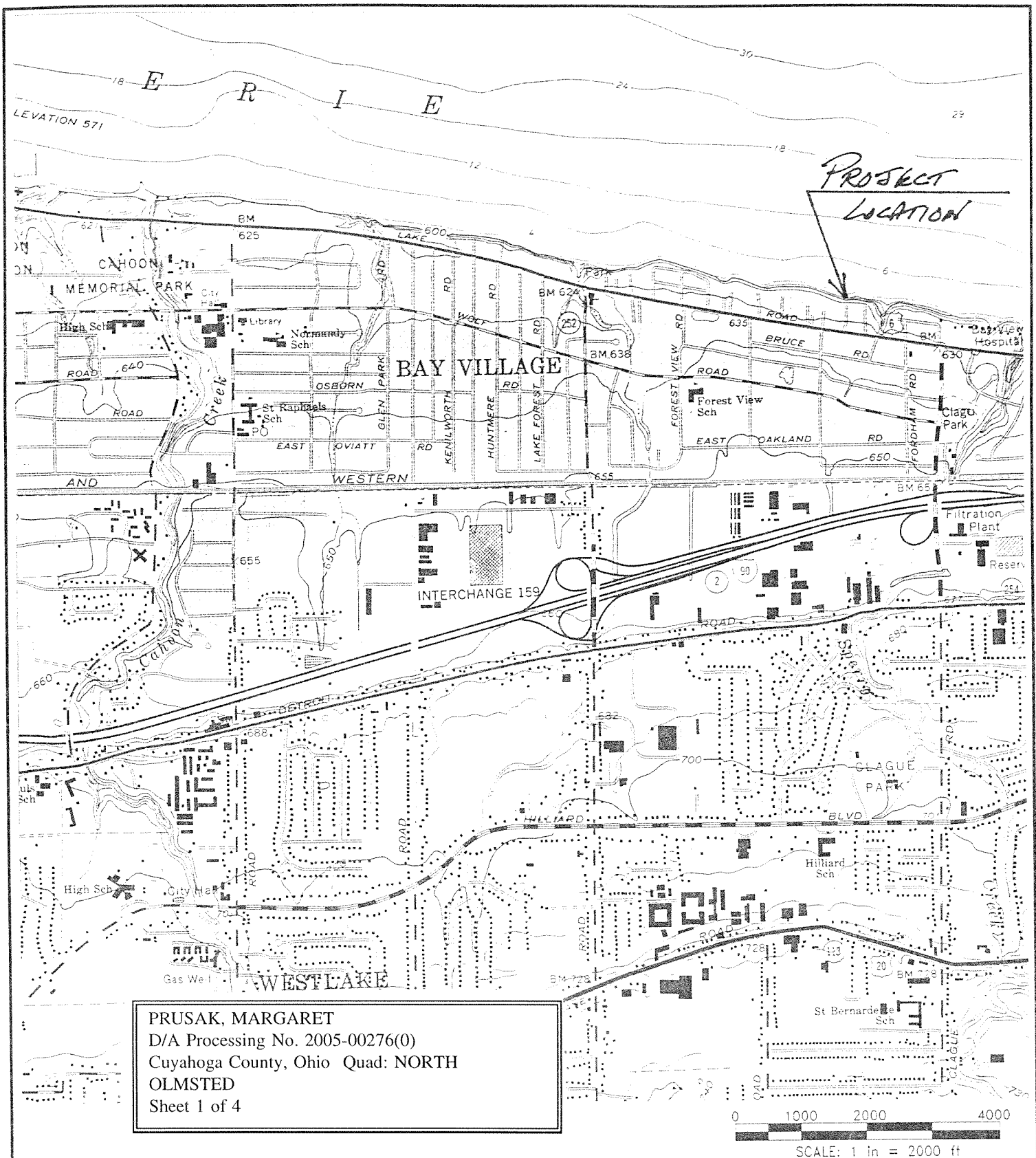
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Thomas C. Switala
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



PREPARED BY:
Andrassy Engineering, Ltd.

ADJACENT PROPERTY OWNERS:

Carl G. and Sally D. Fetko
 372 Oak Cliff Drive, Bay Village OH 44140
 Nancy Y. Stern
 358 Lake Park Drive, Bay Village OH 44140

LOCATION MAP

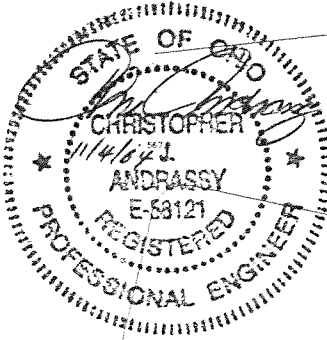
**ARMOR STONE BREAKWATER
 BAY VILLAGE, OHIO**

APPLICANT:

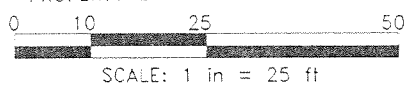
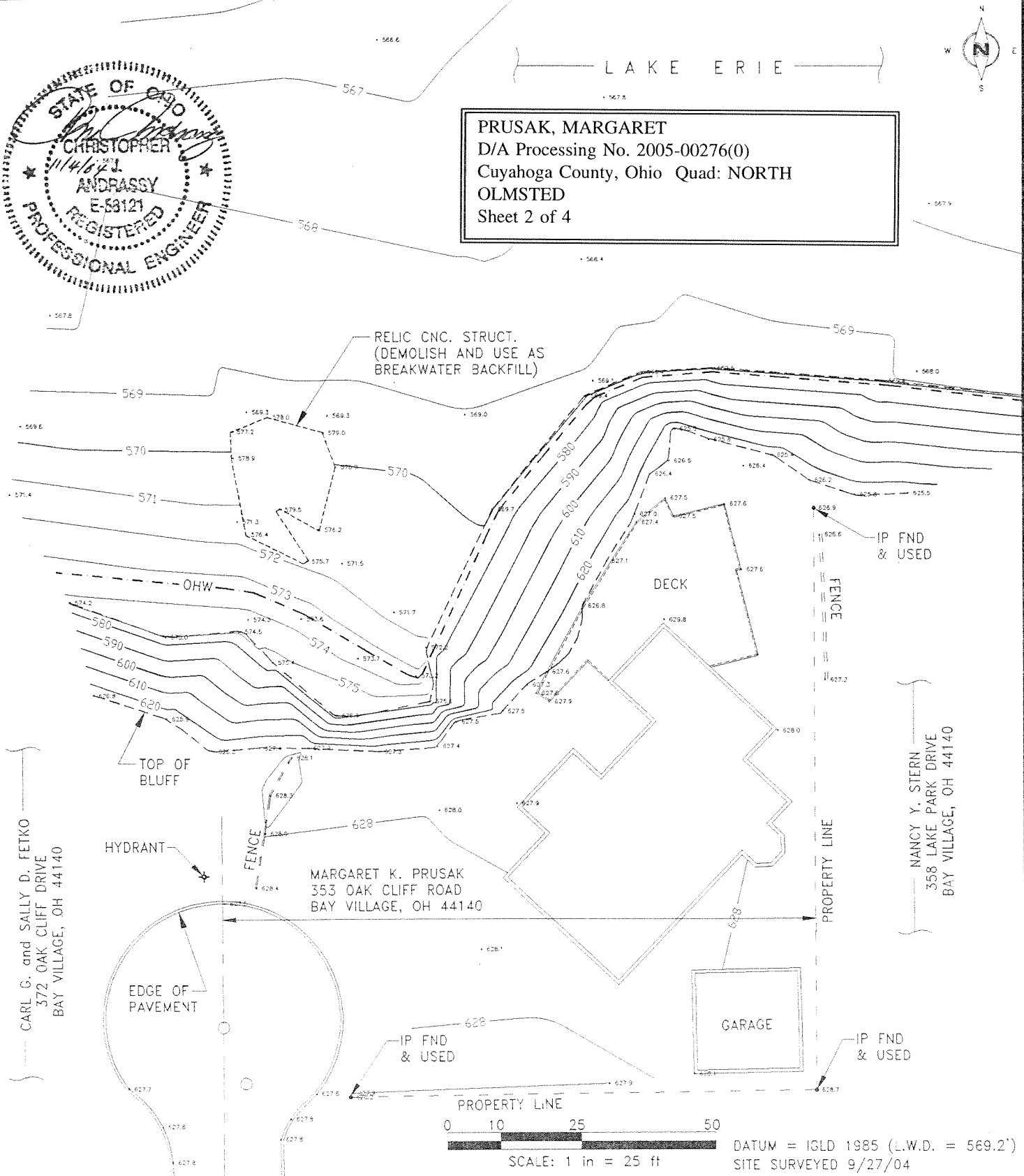
**MARGARET K. PRUSAK
 353 OAK CLIFF DRIVE
 BAY VILLAGE, OH 44140**

SHEET 1 OF 4

11/4/04



PRUSAK, MARGARET
D/A Processing No. 2005-00276(0)
Cuyahoga County, Ohio Quad: NORTH
OLMSTED
Sheet 2 of 4



DATUM = IGLD 1985 (L.W.D. = 569.2')
SITE SURVEYED 9/27/04

PREPARED BY:
Andrassy Engineering, Ltd.

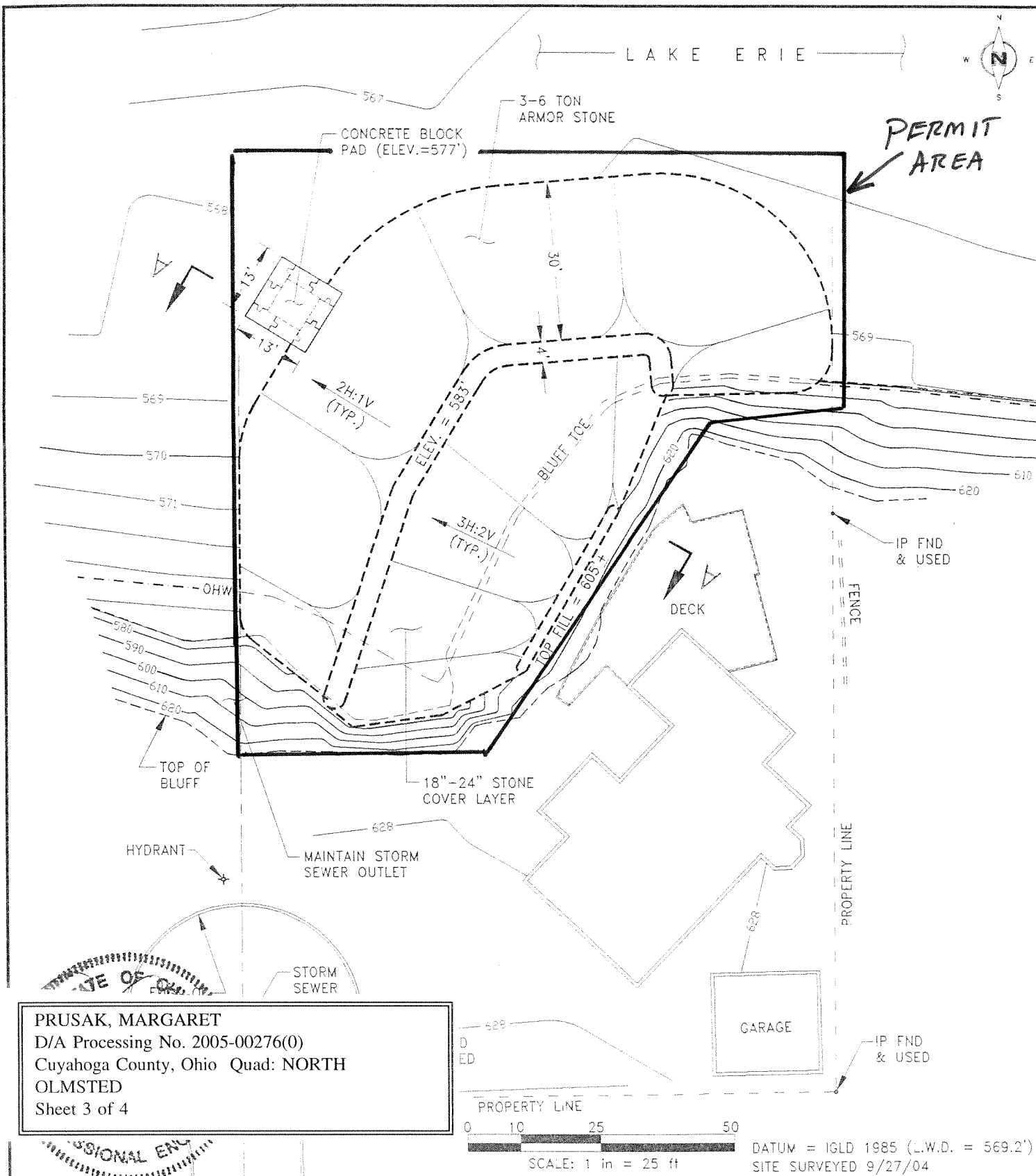
ADJACENT PROPERTY OWNERS:
Carl G. and Sally D. Fetko
372 Oak Cliff Drive, Bay Village OH 44140
Nancy Y. Stern
358 Lake Park Drive, Bay Village OH 44140

EXISTING SITE PLAN

ARMOR STONE BREAKWATER
BAY VILLAGE, OHIO

APPLICANT:
MARGARET K. PRUSAK
353 OAK CLIFF DRIVE
BAY VILLAGE, OH 44140

SHEET 2 OF 4 11/4/04



PRUSAK, MARGARET
D/A Processing No. 2005-00276(0)
Cuyahoga County, Ohio Quad: NORTH
OLMSTED
Sheet 3 of 4

PREPARED BY:
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PROPOSED SITE PLAN

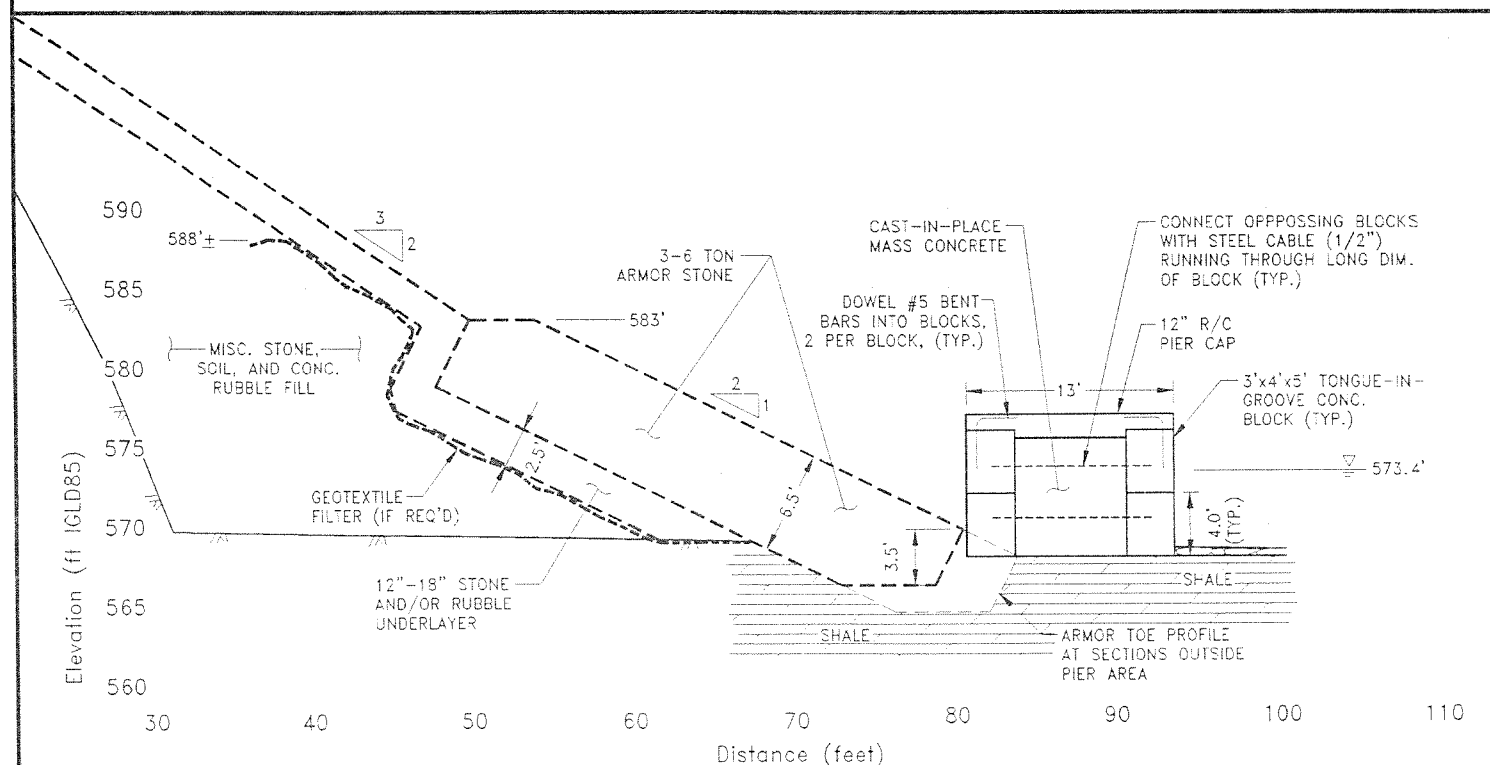
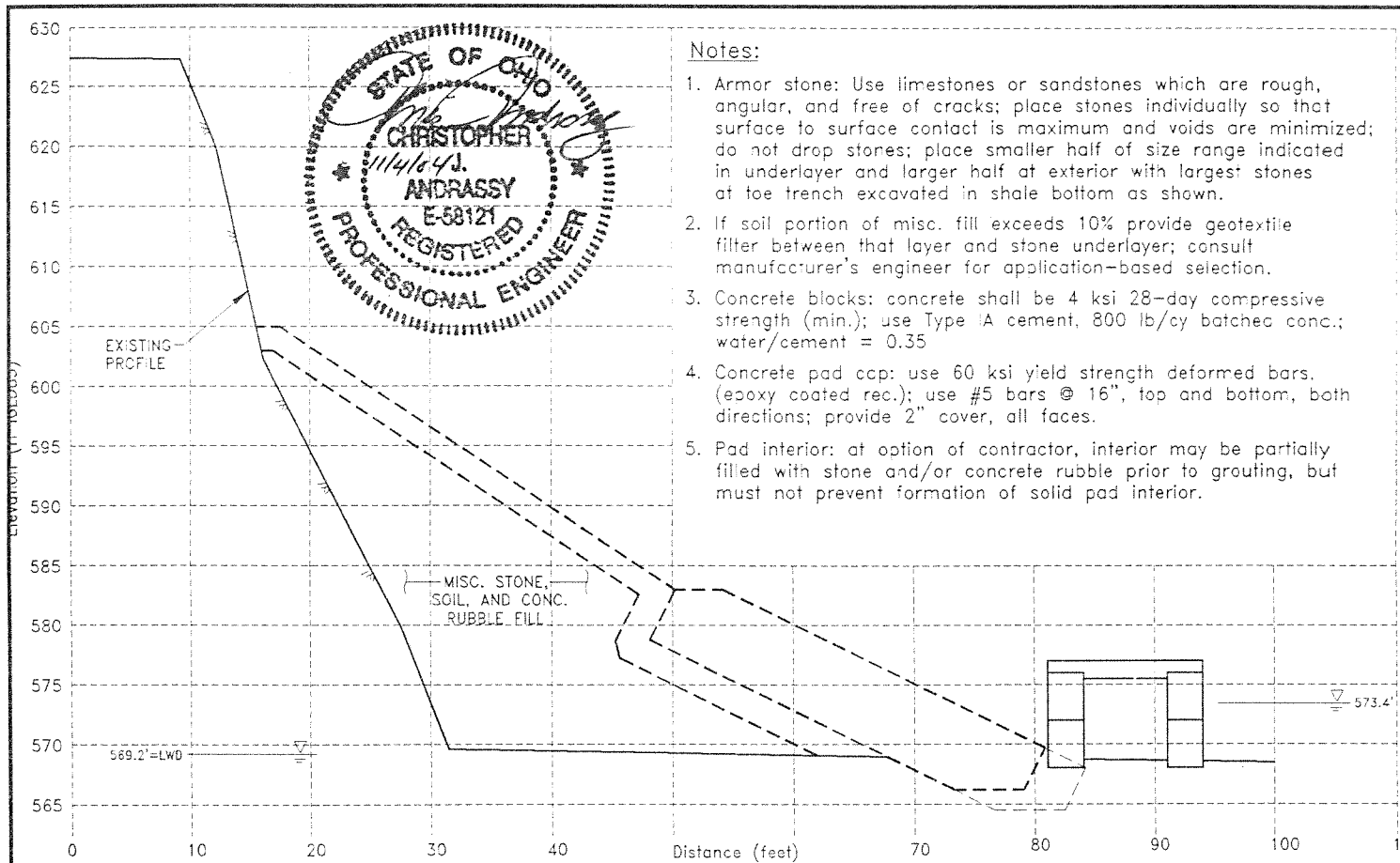
ARMOR STONE BREAKWATER
BAY VILLAGE, OHIO

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SHEET 3 OF 4

11/4/04



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Andrassy Engineering, Ltd.

Section A-A

SCALE: 1" = 15' (TOP); 1" = 12' (BOTTOM)

APPLICANT:

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BAY VILLAGE, OH 44140

PRUSAK, MARGARET
D/A Processing No. 2005-00276(0)
Cuyahoga County, Ohio Quad: NORTH
OLMSTED
Sheet 4 of 4

FOR STONE BREAKWATER
BAY VILLAGE, OHIO

SHEET 4 OF 4

11/4/04